

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
AUGUST 10, 2009
Commissioners Courtroom
One Hamilton County Square
Noblesville, Indiana

The Hamilton County Board of Commissioners met on Monday, August 10, 2009 in Executive Session in Conference Room 1A at 1:20 p.m. President Holt called the public session to order in the Commissioners Courtroom at 2:27 p.m. declaring a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger, and Commissioner Steven A. Holt. Holt led the Pledge of Allegiance.

Approval of Minutes

Dillinger moved to approve the minutes of July 27, 2009 and July 29, 2009. Altman seconded with a correction needed on the July 29, 2009 minutes; in the second paragraph the amount in the county budget should read \$165,000, not \$165,. Dillinger accepted the amendment. Motion carried unanimously.

Executive Session Memoranda

Dillinger moved to approve the Executive Session Memoranda of August 10, 2009. Altman seconded. Motion carried unanimously.

BID OPENING

Resurface Contract 09-3, Various Roads in Clay Township

Mr. Mike Howard opened the bids for Resurface Contract 09-3, Various Roads in Clay Township. Form 96, Bid Bond, Non-Collusion Affidavit, Financial Statements and Acknowledgment of Addendum are included unless otherwise noted. Bids were:

- Calumet Asphalt - \$347,533.48
- E & B Paving - \$399,923.00
- Grady Brothers - \$371,700.00
- Milestone Contractors - \$380,616.35
- Rieth-Riley - \$390,100.00
- Shelly & Sands - \$426,662.00

Altman moved to forward the bids to the highway staff for review and recommendation later today. Dillinger seconded. Motion carried unanimously.

146th STREET ROAD CUT – KITE REALTY

[2:34]

146th Street Road Cut Appeal

Mr. Eric Strickland, Kite Realty Group, presented an alternate for the proposed road cut from Danbury Estates Subdivision back to the bank site with the connection to Lowes Way. This will provide the residents of Danbury Estates with an alternate means to get to 146th Street by using Lowes Way and the signal at 146th Street to make a left turn onto 146th Street. This is in addition to their current full access to Dublin Drive. Kite has worked with the Danbury Estates Homeowners Association and two residents who live at the end of the stub street to discuss how an access drive would work. The drive is to be a one-way exit from the neighborhood. It will be a private drive and will not be pursued as a platted street or have any public maintenance issues. It will be maintained by the commercial development. It will be signed one-way and once it reaches the two-way drive to the bank it will go south to Lowes Way.

Holt asked what is the median in 146th Street? Steve Fehribach, A&F Engineering, stated it is double yellow stripes, as it is currently. Howard asked if Strickland has talked with the City of Carmel regarding their commitment to help enforce the one-way component on the private drive? Strickland stated no, they will appear before Carmel's land use committee on Thursday. From a design standpoint it will be limited so it is only 12 to 13 feet wide, they will hide and screen it with landscaping and install signage indicating one-way traffic. Howard asked if the public access easement would continue on the bank property and they would have the duties of maintenance? Kirkland stated correct. Howard confirmed they will be talking with Carmel regarding enforcement. Kirkland stated correct. Dillinger asked if there is no barrier on 146th Street, as Commissioner Holt was discussing, to keep westbound traffic from turning in there, other than striping? Fehribach stated the radius on the right turn lane will keep people turning from across two lanes to enter the driveway. The right-in, right-outs are difficult to design that way but as long as you keep the radius large enough where it makes it more difficult you will have fewer people that will do that. He can not say that it is absolutely not designable. Dillinger asked if the yellow lines west of the entrance is curbing? Fehribach stated it is stripping; to make the radius come all away around it would have to be a raised island on 146th Street and he would not recommend that. Altman asked if the lane they are using for the right-in is currently a multi-use path? Fehribach stated they will not be using that pavement. Altman asked if they are going to replace the multi-use path on the south side? Fehribach stated yes, it would have to be replaced; they did not draw it on the plan. Altman asked if there are assurances that it will be handicap accessible and it will be replaced. Strickland stated yes, they will replace the multi-use path and the associated curb ramps. Altman stated her assumption has been that the bank will be and will always be the only use of that parcel, is that correct? Strickland stated as part of the Carmel rezone they have limited it to a bank or a two tenant office use. Altman asked if this one parcel will be the only thing developed in this tract? Strickland stated correct. Altman asked if this will be a covenant that runs with the land? Altman stated her agreement with this is that it is this use and no additional CVS or anything else on the undeveloped portion. Strickland stated they do not have a problem making that commitment; it would tie with their zoning commitments that also restrict the use.

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
AUGUST 10, 2009
Commissioners Courtroom
One Hamilton County Square
Noblesville, Indiana

Dillinger asked as you turn east off of Lowes Way with the arrows, would it not automatically throw people into the right turn lane? Fehribach stated they may but nobody's going to be in that lane because the light would have turned yellow and all red for a second. If you are traveling north bound on Lowes Way to go eastbound on 146th Street, they might turn in there. Altman stated if you are going to do a right turn on red or turn right you will have clearance to move over to the right lane. Holt stated that is confusing because the right turn lane has a full lane to the right of it. Isn't the shoulder still paved on Lowes Way; it is confusing if you are in the turn lane or if somebody is going to pull up next to you.

Mr. Brad Davis stated the highway staff has concerns; the possibility of westbound drivers trying to turn left into the right-in only drive. The solution is to use some concrete curbing to extend the left turn lane that goes to Lowes Way back therefore preventing someone from making that left turn movement. That would also eliminate people traveling eastbound that want to turn left into the first entrance of the theater. Altman asked if they have considered installing the posts in the median to stop the turn movements? Howard recommended the curb be painted with reflective paint. Strickland stated they have shown several options with the median being closed or open. They are agreeable to a concrete median to provide the separation or the flexible posts. Holt asked if Davis is comfortable with this being approved? Davis stated they have another concern; with the right turn lane they think it would be beneficial that it is extended down into the Dublin Drive entrance. Strickland stated they had proposed a continuous right turn lane that would function as the bank site's right turn as well as the Dublin Drive entrance. The neighbors have asked if they did not install the right turn extending to the neighborhood and have the right turn terminate at the bank site. This would be another lane in front of the Danbury Estates entrance; they don't have a lot of traffic with 33 homes in the subdivision. When they are pulling out to make a left turn the homeowners see it as another 12 feet of pavement they have to cross as well as a conflict with someone who is accidently in that right lane and now traveling in front of them and having to taper back into the thru lane. Altman asked if they understand there is no deceleration before they hit the neighborhood? Strickland stated correct, it would remain as it is. There is currently no deceleration or flair. Altman asked it that was a unanimous decision? Strickland stated yes.

Mr. Brad Garrett, 14582 Danbury Drive, the home on the corner of Danbury and Dublin Drive adjacent to the development. Garrett is not representing the homeowners association but he is a member of the Board. They are not opposed to the bank but if the deceleration lane would go in front of their neighborhood it would be one more lane to cross. If someone accidently gets into the turn lane and is trying to merge into traffic, it is one more car in front of the neighborhood that they would rather not have there. Holt asked what is Garrett's feeling of the percentage of residents that will use the bank drive to make a westbound turn? Garrett stated he thinks a lot of the people will use it; most people are excited about it. Holt asked if that is a house rule would it matter if the deceleration lane came all the way to the entrance for making right hand turns? Garrett stated he would think it would get in the way. Altman stated they don't have a deceleration lane now and to her the preference would be to have the deceleration lane for their own safety when you slow down to get into your neighborhood if you are coming from the west. Garrett stated he has never had a problem with that, the majority of the accidents at this location are from people heading westbound on 146th Street making a left turn in or coming from the movie theater on the north side of the road, usually it is people cutting across traffic, not people making a right turn into Danbury Estates. Dillinger asked if there was a raised island where they turn into the bank and beyond that a turn lane to turn into Danbury Estates and not make it continuous from Lowes Way. Holt stated if the majority of the people are going to use Lowes Way to make a west turn, to have a deceleration lane to turn in if you are coming from the west is very logical. Altman stated she thinks it would be a lot safer. Davis stated that is the highway staff's experience.

Davis stated Kite will still need an IDEM (Indiana Department of Environmental Management) approval to cross the wetland.

Altman moved to accept this plan with the revisions of permanent barrier up to the western entrance into the movie theater to preclude the left turn from eastbound into the theater and from westbound into the bank. Dillinger asked if Altman does not want eastbound to be able to turn into the theater? Altman stated she thinks it could be engineered to extend the stack a little bit for westbound 146th Street, move the permanent barrier back a little bit and allow for a couple cars to stack into the theater but preclude, you would have to be a total crazy person, to try to turn left if there is an extension or a barrier in between the two eastbound and westbound lanes. Altman stated Davis explained they were thinking they could have a little more stack for westbound turners onto Lowes Way. Altman stated she thinks we can accommodate both but still allow the entrance from the west into Lowes or into the theater. Holt asked Altman to repeat her motion for the record. *Altman moved to adopt the plan as submitted with the revisions of a permanent barrier to be installed between east and westbound lanes of 146th Street up to the western entrance into the movie theater and the commitments on the record. Altman is not including, at this time, the deceleration lane into Dublin. Dillinger seconded.* Dillinger stated he is not comfortable with this, it seems like a hodgepodge. *Holt moved to amend the motion to include the deceleration lane into Dublin. Altman seconded.* Altman stated she is not getting clear direction from the neighborhood on that and it is for their benefit. Holt stated he appreciates it is for 33 lot owners and there is one talking to us. It seems it would be logical to not have people breaking as I was making my right hand turn. It would be for the greater good to have the deceleration lane. Altman stated she did not disagree. *Motion carried unanimously.* Holt clarified the amendment – includes all of Altman's motion plus the deceleration lane. Altman confirmed they covered the highway staff concerns with that? Davis stated yes. Altman stated she sees a benefit to the

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
AUGUST 10, 2009
Commissioners Courtroom
One Hamilton County Square
Noblesville, Indiana

folks in this neighborhood by doing this. Dillinger and Holt agreed. Davis stated and the people on 146th Street. *Motion as amended approved unanimously.*

HIGHWAY BUSINESS

[2:58]

Acceptance of Bonds/Letters of Credit – Highway Department

Dillinger moved to accept Bonds and Letters of Credit for the highway department. Altman seconded. Motion carried unanimously.

- HCHD #B-09-0027 – Fidelity and Deposit Company of Maryland Performance and Payment Bond #8943132 issued on behalf of Gallagher Asphalt Corporation, in the sum of \$436,741.40 for Resurface Contract 09-1. Bond will expire August 10, 2010.

Traffic Study Correspondence

Altman moved to approve the list of correspondence concerning investigations on Hamilton County Roads. Dillinger seconded. Motion carried unanimously.

- Nancy Bandy regarding a street name sign change for 261st Street/Boxley Road in Adams Township. The highway staff recommended that the sign will be split with the regular green sign listing 261st Street and a second sign with a brown background (used for historical significance) stating Boxley Road.

Altman recommended someone speak with 911 Dispatch that they are aware if someone calls and says Boxley Road it is one in the same as 261st Street. Davis stated he will take care of that.

Title Sheets for ARRA Projects

Dillinger moved to approve signatures on Title Sheets for two ARRA (American Recovery and Reinvestment Act) projects. Altman seconded. Motion carried unanimously.

- Towne Road from 96th Street to 116th Street in Clay Township
- Cumberland Road from 96th Street to 106th Street in Delaware Township

Bid Award for Resurface Contract 09-3

Dillinger moved to award the bid for Resurface Contract 09-3, Various Roads in Clay Township to Calumet Civil Contractors in the amount of \$347,533.48. Altman seconded. Motion carried unanimously.

Permission to Advertise – 106th Street & Ditch Road Roundabout

Dillinger moved to approve permission to advertise for bids for the construction of a roundabout at 106th Street and Ditch Road. Bids will be opened September 14, 2009. Davis stated they are waiting for an interlocal agreement from the City of Carmel and intend to have that agreement at the August 24 meeting. Davis stated the county is splitting the construction costs with the City of Carmel. Carmel will pay for all of the inspection costs as well as landscaping. The county will pay for the design, right of way and half of the construction. The County Council has appropriated the money for the county's half of the costs. Altman seconded. Motion carried unanimously.

Transportation Enhancement Grant Applications

Davis reported that August 21, 2009 is the deadline for Transportation Enhancement Grant Applications. Davis stated an application can be submitted for outside the MPO (Metropolitan Planning Organization) area. Davis has spoken with Al Patterson, Director of Parks and Recreation, and it is their thought that they request funding for the Monon Trail from 216th Street north for the maximum amount allowed (\$1 million). The money will not be available until 2013 and Patterson thinks they will be in a position by that time to begin construction. The second application is for Riverwalk, Phase 2 which is in the MPO's area. Holt asked if the Monon application would get the trail to Sheridan? Davis stated it would get the trail one-third of the way to Sheridan. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

96th Street and Towne Road Roundabout

Davis stated his staff has met with the condominium owners located on the southwest corner of 96th Street and Towne Road regarding the roundabout. They are not happy about the plan. They think it brings too much onto their property. An alternative was shown that has a retaining wall and they still felt it infringed on their condo area too much. They have requested the county look at a signalized intersection. Highway staff is putting together an overlay together showing them the effect of a signalized intersection would be. This item has been tabled at the Indianapolis DPW (Department of Public Works) meeting. Altman asked if there is any data on the noise factor of a roundabout verse signalization? Holt asked them to look at the air quality issue. Davis stated he will research these issues.

116th Street and Olio Road

Davis stated there are changes being made today at 116th Street and Olio Road. A dual left turn movement is being created, currently there is a left turn, a thru, and a right turn as you head east on 116th Street approaching Olio Road. There is a significant amount of traffic from the schools and with 126th Street closed, the signals will be modified and lane markings to allow the current thru lane to become an additional left turn lane also.

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
AUGUST 10, 2009
Commissioners Courtroom
One Hamilton County Square
Noblesville, Indiana

106th Street Road Closure

Davis stated the road closure on 106th Street between Lantern Road and Hague Road will be removed this evening. The project has been completed in time for school to open on Wednesday, August 12, 2009.

Cumberland Road at Stoney Creek

Davis stated on Cumberland Road at Stoney Creek there is a one lane bridge over 166th Street. The best solution to move regular traffic is to install a traffic signal to help regulate traffic traveling over the bridge. Howard reported Noblesville will open bids Tuesday, September 11, 2009 with dirt being moved and stacked this fall. The Union Chapel project should be entirely opened October 2010. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

August Highway Meeting

Davis confirmed a highway meeting will be held August 28, 2009 at 7:30 a.m. at the highway department.

Scherer Ditch

Holt asked how the highway department visualizes the spanning of the Scherer Culvert, estimated to cost \$700,000. Davis reported it is scheduled to be a bridge. Mr. Matt Knight stated he does not know the hydraulics of this drain, there has been more than \$700,000 spent on bigger culverts. Holt asked Knight to keep the Commissioners informed.

2009 ORTHOPHOTOGRAPHY QUALITY CONTROL CONTRACT

Award of 2009 Orthophotography QC Contract

Mr. Larry Stout stated quotes were received for the 2009 Orthophotography Quality Control Contract and he recommended the contract be awarded to Sidwell at a fee of \$11,990. Dillinger moved to approve. Altman seconded. Motion carried unanimously. Quotes were received from:

- Aero-Metric, Inc.
- GRW Aerial Surveys, Inc.
- MJ Hardin
- Pinnacle Mapping Technologies, Inc.
- T3 Global Strategies
- The Airborne Sensing Corporation
- The Schneider Corporation

TRANSPORTATION ENHANCEMENT (TE) GRANT

Hoosier Heritage Port Authority TE Grant

Ms. Rhonda Klopfenstein requested the Commissioner's sponsorship on the application of a Transportation Enhancement (TE) 21 Grant for the Hoosier Heritage Port Authority. The grant is written for \$600,000, an 80/20 match and will be for work done on the track from the train station in Fishers to the State Fairgrounds. Approximately 600 ties and ballasts will be installed. Dillinger moved to approve. Altman seconded. Holt asked where will the 20 percent come from? Klopfenstein stated from the Hoosier Heritage Port Authority and from the Indiana Transportation Museum. Motion carried unanimously.

HUMAN RESOURCES

DJ Contract for Wellness Event

Ms. Sheena Randall requested approval of the DJ contract for the Wellness Event; the contract is with Sound Spectrum Entertainment with the client named as Board of Commissioners. The cost is \$380 for three and one-half hours with a start time of 4:30 p.m. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

Health Risk Assessment and Blood Panels

Randall stated the Insurance Committee has recommended the employee withholding for health care expenses for 2010 will need to increase with the county plan year beginning April 1, 2010. They recommended that all employees must have a completed a blood draw during the Wellness Event program or have completed a blood draw through their own physician or medical facility within three months prior to the event or have completed or will complete the blood draw program through the Sheriff's medical screening and must complete the health risk assessment through Meritain Health prior to the end of the year or those individuals who do not complete the blood draw and the health risk appraisal will be penalized by an additional \$10.00 increase in their withholdings beginning in April 2010, this increase will be in addition to the new rates established for the 2010 deductions. Altman asked if additional blood draws will be scheduled in September? Randall stated Riverview Hospital will provide a voucher so anyone can go to their lab or a Riverview facility for the blood draw. Riverview will be in the Judicial Center for blood draws on August 25, 2009. If we need additional sites she will schedule those. Altman wants to make sure we make it as convenient as we can. Dillinger stated the Insurance Committee approved this unanimously. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
AUGUST 10, 2009
Commissioners Courtroom
One Hamilton County Square
Noblesville, Indiana

Marketing of Wellness Event

Randall requested permission to hire a marketing professional to write a promotional piece on the Wellness Event. This could be forwarded to business journals, other cities and counties, etc. Randall requested approval of up to \$350 to be paid from the monies collected for the event. Graphic design will be included. Randall would like to have someone hired so they could attend the event. Randall would work with them on the article. Altman moved to approve \$300 with reservation if that is enough to come up with someone we would be proud of. Randall stated the Commissioners will have to approve and sign the contract. Altman asked Randall to bring back several samples of material that will assure quality. Dillinger seconded. Motion carried unanimously.

MEDICARE SECONDARY PAYER ACT

Medicare Secondary Payer Act

Mr. Dan Papineau stated as of January 1, 2010 Medicare is requiring Hamilton County to report any settlements or judgments on liability and workers compensation claims. Papineau requested approval to enroll Hamilton County in this reporting with ASC (Alternative Services Concepts) as Hamilton County's account manager. Dillinger stated there is no choice; there is a \$1,000 per day penalty for not reporting. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

EASEMENTS

Noblesville Sewer Easements

Mr. John Barbee stated he has reviewed the proposed sewer easements for the City of Noblesville as to future impact on future expansion plans for the Hamilton County Government and Judicial Center and the south parking lot. Barbee stated on the south parking lot a 30,000 square foot building footprint can still fit on the parking lot. This would be a three-story building with approximately 90,000 square feet with a setback for the 100 year floodplain. Holt asked if a second 30,000 square foot building was built on the east half of the south lot, is the hash line the favored half? Barbee stated with this sewer there will be difficulty building two properties. Holt asked if there was an easement that went through the Shell station and east? Holt stated if you are on the other side of the blue line would be fine. Holt stated if we were building a second building would it would be east of there? Barbee stated correct. Barbee stated there may be an issue with vacating the street or not for a second building. Altman asked what about expanding the Judicial Center? Barbee stated the Judicial Center could be expanded +/- 80,000 square feet. It will not double the current building. Dillinger asked what will this do to the proposed Riverwalk? Howard stated under a City of Noblesville ordinance walks can be built on top of a sewer and are replaced by the City at their expense. The only thing that can't be built over an easement is a building. Mr. Mike Hendericks, City of Noblesville, stated the reason the sewer goes to the east is there was a grade issue with the new Riverwalk so they had to bring it back so they could get underneath the walk. The existing sewer is only 15", the new sewer will be 42". They will be boring under the sidewalk. Dillinger moved to approve. Altman seconded. Altman asked if this is as far to the west as they can go to meet the grade requirements. Hendericks stated yes. Altman amended her motion that her motion is contingent on the City abandoning the existing 15" VCP line. Dillinger seconded. Motion carried unanimously.

Radio Tower Easement

Barbee requested approval of an easement for Duke Energy for the Sheriff's Radio Tower. This will provide electric service to the radio tower site. Altman asked if this is exclusively for the county's use? Barbee stated this could be used for other uses. Altman asked if there is any issue with connectivity between the two parcels? Barbee stated the easement lies on the radio tower property. Barbee stated we would be able to pave and drive over the easement. On the southern border there will have to be setbacks for any buildings. On the far west end there is a connector drive envisioned between the annex property and radio tower and the easement could be paved over. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

CHANGE ORDERS

Annex Property

Barbee stated the annex bid drawings did not include a dumpster enclosure. The enclosure has been designed and priced as a complete masonry block to meet the city zoning ordinances. Fredericks Contractors has prepared a cost estimate of \$20,460. There is approximately \$50,000 left in the contingency fund with 85 percent complete on construction. Barbee stated the existing pad will have to be torn out because it is too small for the proposed enclosure. Barbee requested approval of the proposed change order. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

Community Corrections Building

Barbee requested approval of a change order proposal from Gaylor for installation of a cable for a door position switch on all of the doors (approximately 30 doors) in the new Community Corrections building. The proposed quote is in the amount of \$14,527. Gaylor, on their own, proceeded with this work because they wanted to pull it while they pulled everything else without approval from Envoy. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

Altman asked Barbee if the elevators in the Community Corrections building have been keyed off? Barbee stated they are controlled by the security system with different modes that the staff can choose. They are typically in a secure mode

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
AUGUST 10, 2009
Commissioners Courtroom
One Hamilton County Square
Noblesville, Indiana

and require a card key access for the third floor. Altman stated when they were giving tours they were not secured. Barbee will check on that.

GRAINGER CONTRACT

Grainger NJPA Contract

Mr. Chad Urban, Grainger Government Account Manager, stated Grainger has been providing Hamilton County with discounts via their State QPA (Quantity Purchasing Agreement), that contract is expiring at the end of August 2009. Urban requested approval to convert the county to the NPJA (National Joint Powers Alliance) agreement. Hamilton County is already a member of NJPA participating in other agreements. In order for participation in the Grainger agreement a participation form needs to be completed. Altman asked if he has reviewed this contract with Steve Wood (Buildings & Grounds Superintendent)? Urban stated yes, he has also contacted the Health Department and Parks Department. Altman asked if this is a non-exclusive agreement? Urban stated yes, no obligation. This lets Hamilton County continue to receive discounts and meets all of the State's procurement guidelines. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

COMMUNITY DEVELOPMENT BLOCK GRANT

CDBG FY09 Action Plan/Consolidate Plan

Mr. Mark McConaghy requested approval of the CDBG (Community Development Block Grant) FY09 Action Plan/Consolidated Plan. No public comments were received during the 30-day public comment period. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

Neighborhood Stabilization Plan

McConaghy stated he has worked with HUD (Housing and Urban Development) on the Neighborhood Stabilization Program Management Plan, which has now been approved by HUD. This requires no action by the Commissioners.

Third Phase Contract

McConaghy requested approval of an agreement between Hamilton County and Third Phase, Inc. for purchase of a walk-in refrigerator. This will be paid from FY08 funds. The low bid was \$16,000. The grant will pay \$12,000 with Third Phase paying the difference. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

CDBG-R Agreement

McConaghy requested approval of the CDBG-R (Community Development Block Grant – Recovery) agreement in the amount of \$214,753. Funding is provided by the American Recovery and Reinvestment Act of 2009 (ARRA). Dillinger moved to approve execution of the documents. Altman seconded. Motion carried unanimously.

COMMISSIONER COMMITTEE REPORTS

Metropolitan Planning Organization

Altman attended a meeting with the Metropolitan Planning Organization (MPO) and Hoosier Heritage Port Authority (HHPA) concerning a previous meeting where information was not translated correctly.

ATTORNEY

Ordinance 07-27-09-A, IMI Rezoning Ordinance

Howard reported he has not received the language from IMI (Irving Materials, Inc.) on the covenants regarding the Stony Creek quarry. Howard recommended the ordinance be held until he receives the covenants.

Liability Trust Claim

Howard requested approval of a Liability Trust claim payable to Drewry Simmons Vornehm, LLP in the amount of \$6,708.57 for work on the 96th Street and Mollenkopf project. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

ADMINISTRATIVE ASSISTANT

Hamilton East Public Library Board

Holt moved to appoint Renee Dillinger to the Hamilton East Public Library Board. (Appointment replaces Rex Dillinger). Altman seconded. Motion carried unanimously.

Cro-Knisters Donation Request

Mr. Fred Swift stated Wanda Beeler of the Cro-Knisters has received no donations for their knitting project for mittens for the Good Samaritan coat drive. Dillinger moved to continue to table this request. Altman seconded. Motion carried unanimously.

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
AUGUST 10, 2009
Commissioners Courtroom
One Hamilton County Square
Noblesville, Indiana

United Way

Swift stated United Way has requested permission to install their fundraising thermometer in the courthouse lawn sometime after Labor Day to continue through the county campaign. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

Water Quality Awareness Week Proclamation

Dillinger moved to proclaim September 6-12, 2009 Water Quality Awareness Week in Hamilton County. Altman seconded. Motion carried unanimously.

Claims

Swift stated the Auditor's office has questioned a claim from his office for the purchase of candy for the Hamilton County 4-H Fair Booth. Dianna Lynch purchased the candy but can not find the receipt. The amount is \$46.75. The Auditor will not pay the claim without a receipt. Swift requested the Commissioners approve the claim. Dillinger moved to approve the claim. Altman seconded. Holt requested Mr. Howard prepare an affidavit for Ms. Lynch to sign. Altman and Dillinger amended their motion that the claim be approved contingent upon on affidavit being signed. Motion carried unanimously.

Commissioners 2010 Budget

Swift reported the County Council will be hearing the Commissioners 2010 budget request at 9:00 a.m. August 11, 2009. Swift and Altman will be attending the budget hearing.

Building Closings

Swift stated not all of the county buildings lost power last week and asked if all county offices should be closed just because we closed the Judicial Center and Historic Courthouse due to a power failure? Swift asked if a memo should be sent to all of the county offices stating that if their power is on they will remain open. Dillinger asked what departments did not lose power? Swift stated the Hamilton County 4-H Fairgrounds, those employees went home. Altman stated that would include EMA (Emergency Management Agency) and the township offices. Dillinger stated it is not a matter of fairness; it is a matter of if you can't work in this building but you can work in another building you remain open. Dillinger stated he does not think they should have gone home. Altman stated we need to consider working conditions, if there is something they can do even though they don't have power. Altman stated we need to come up with a policy. Dillinger stated he did not receive a call from the staff at the fairgrounds. Holt stated he is not sure that would pass the test for being paid. Holt asked if Household Hazardous Waste closed? Ms. Kim Rauch stated no they did not. Holt stated we should not approve the fairgrounds payroll. Holt asked if anyone on Cumberland Road (corrections complex) closed? Swift stated no. Dillinger stated the only two departments that asked permission to close were the courthouses and parks. Ms. Dawn Coverdale stated the Auditor's office was told Fall Creek and Delaware Township offices were given permission to close by Commissioner Dillinger. Dillinger stated he did not speak to anyone from those offices. Howard asked if they had power? Coverdale stated they did not have the computer network because our computers were down. Altman stated we are going to fix that with a generator. Coverdale asked if those people who went home are going to be paid? Holt stated he does not think they should. Dillinger asked who said he gave them permission to close? Coverdale stated Debbie Folkerts, County Assessor. Dillinger stated she called him regarding her office but he did not know he was giving permission for all of her offices. Holt stated that may be gray if they did not have computers. Howard asked what about the fairgrounds? Altman stated they are on the Purdue server, not the county's. Coverdale stated Folkerts may have been calling for her satellite offices. Dillinger stated she may have been but that is not what he understood her to be saying. Holt stated it makes sense; she would not need to be calling for her office she knew the building was closing. Altman stated if the township offices did not have the server then we will pay them. Coverdale stated Rauch called the fairgrounds staff to verify if they had power because we knew the highway department had lost power, they were told since they had power they should remain open. Dillinger stated if it is questionable and we don't have a policy we should not withhold pay this time but we should definitely put notification out for the future. Coverdale will verify if the fairgrounds employees left.

SHERIFF

Metro Drug Task Force Grant

Dillinger moved to approve the grant claim in the amount of \$7,000 for reimbursement of salaries for the Metro Drug Task Force. Altman seconded. Motion carried unanimously.

AUDITOR

Release of Bonds/Letters of Credit – Drainage Board

Dillinger moved to approve the release of Bonds and Letters of Credit for the drainage board. Altman seconded. Motion carried unanimously.

- HCDB-2007-00048 – Bond Safeguard Insurance Company Subdivision Bond No. 5023926 for the Sanctuary @ 116th Street Section 1 subsurface drains in the amount of \$50,413.20.
- HCDB-2007-00049 – Bond Safeguard Insurance Company Subdivision Bond No. 5029327 for the Sanctuary @ 116th Street Section 1 storm sewers in the amount of \$212,786.40.
- HCDB-2007-00051 – Bond Safeguard Insurance Company Subdivision Bond No. 5029329 for the Sanctuary @ 116th Street Section 2 subsurface drains in the amount of \$50,977.20.

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
AUGUST 10, 2009
Commissioners Courtroom
One Hamilton County Square
Noblesville, Indiana

- HCDB-2007-00052 – Bond Safeguard Insurance Company Subdivision Bond No. 5029330 for the Sanctuary @ 116th Street Section 2 storm sewers in the amount of \$167,760.00.
- HCDB-2007-00054 – Bond Safeguard Insurance Company Subdivision Bond No. 5029332 for the Sanctuary @ 116th Street Section 3 for subsurface drains in the amount of \$39,985.20.
- HCDB-2007-00055 – Bond Safeguard Insurance Company Subdivision Bond No. 5029324 for the Sanctuary @ 116th Street Section 3 storm sewers in the amount of \$176,444.40.
- HCDB-2008-00016 – Bond Safeguard Insurance Company Subdivision Bond No. 5033247 for the Sanctuary @ 116th Street Section 4A storm sewers in the amount of \$85,112.00.
- HCDB-2008-00018 – Bond Safeguard Insurance Company Subdivision Bond No. 5033250 for the Sanctuary @ 116th Street Section 4A subsurface drains in the amount of \$13,148.00.

Payroll Claims

Dillinger moved to approve the Payroll Claims for the period of July 13-26, 2009 paid August 7, 2009. Altman seconded. Motion carried unanimously.

Vendor Claims

Altman moved to approve Vendor Claims to be paid August 11, 2009. Dillinger seconded. Motion carried unanimously.

AUDIO AND VIDEO CONFERENCING

Audio and Video Conferencing

Altman moved to establish on-demand service for audio conferencing at a cost of \$.05 to \$.10 per minute, per participant and web conference is \$.13 per minute, per participant, paid for by the people who are signed on. If we call in remotely it is considered a long distance charge, if the call is made internally it is the county's cost. Holt asked if we do that we will need an internal policy so people don't participate on every webinar they can. Dillinger asked where would we use this? Altman stated she has had several meetings that it would be helpful to participate by conferencing or if we have several people in remote locations trying to discuss a topic it saves travel time. An example would be if Assessor wants to discuss items with her township staff she can do it by conferencing instead of having them come up to these offices. This came up with meetings with the State Health Department and we are sending people to downtown Indianapolis when we could accomplish the same thing with a web or audio conference call. We would use it judiciously and it is a tool we need in our toolbox. Holt asked who is the gatekeeper? Altman stated Fred Swift or she would volunteer for the first part of it to keep an eye on it. Holt stated the Judges are currently doing this for pre-trials and there is no charge to the participants. Altman stated she would not include the courts, this is for the county's internal business. Howard asked if the Judges use a private service on a case by case basis? Holt stated Superior Court 1 the pre-trials are by phone and it works well. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

ASSOCIATION OF INDIANA COUNTIES

AIC Positions

Dillinger has spoken with David Bottorff, Executive Director of the AIC (Association of Indiana Counties). Dillinger will be a member of an AIC panel. Holt stated Mr. Bottorff has requested lunch with the Commissioners and asked Swift to contact him to set a time and date for the lunch.

Holt recessed the meeting to Conference Room 1A.

HUMANE SOCIETY
Conference Room 1A

2010 Humane Society Agreement

Holt stated the Commissioners have agreed to revisit the annual Humane Society contract that provides for animal control regardless of the numbers of animals delivered to the Humane Society. The per animal price has always been determined based on the cost of doing animal control as opposed to the number of animals receiving the service. With the possible exception of vaccines, the big cost is labor. Ms. Rebecca Stevens stated they are preparing their budget in June for the next year and it is impossible for them to say how many animals they will be receiving. There are too many factors, the economy – they had no idea how many owner surrendered pets would come in this year; a lot of factors don't change the overall operating costs of the business. Whether they have 100 animals or 125 or 200 her electric bill is still \$4,000 per month. They have a lot of fixed expenses that will not vary depending on the number of animals in the building. We need to look at providing services preventing animals from coming into the facility in the first place, which is ultimately a savings to taxpayers. They put forth a great deal of effort with their corporate sponsorships to facilitate free micro-chipping in this community. Since 2005 well over 1,000 pets have been micro-chipped through their partnerships. This gives Tom Rogers and his team (Hamilton County Animal Control) the tools to be able to prevent animals from entering the door. When they pick up a dog or cat they are scanning the animal and if there is a chip he can look up the information on the Humane Society database and take the animal directly home. They are never counted and they have saved the county \$137.72 because of the efforts the Humane Society is putting forward to keep

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
AUGUST 10, 2009
Commissioners Courtroom
One Hamilton County Square
Noblesville, Indiana

animals out of the shelter. The owner surrenders are financially based, the humane society has implemented free food and free medical care. It is not uncommon that someone comes in with an injured or sick pet and they are going to have to surrender the animal. That could be \$137.72 to the taxpayer; instead the humane society takes them to their medical department and treats them at their cost. They then send the animal home. They do everything they can to keep the animal in the home, keep them healthy and they are giving free services. They have had house fire victims and senior citizens that have no one to take their pets and the humane society houses those animals for free. They are doing a lot of things for the community that the Commissioners don't see that are keeping animals from coming in that will cost taxpayers. When they talk about the spirit of the contract and the intent of what they are trying to accomplish together these things bring a lot of value and should have merit when they are looking at the number of animals, especially with a contract that reads if they take in fewer animals they will be penalized and if you take in more animals, like they have done in previous years, they will not be paid for those animals. Holt stated he was involved in a cruelty to animals case and his client had his pit bull returned to him because it had been micro-chipped. There was \$270.00 saved by the animal control officer taking the animal back to its owner. Officer Tom Rogers stated he does this so it gives him an opportunity to see how the family is, how the animal is housed, to find out if this will be a reoccurring problem or a one time incident. Altman asked how much is the micro-chipping cost per year? Stevens stated it costs the Humane Society \$5.00 for the chip.

Stevens stated there are a lot of animals that are not being counted by the Auditor's office because that is how it was defined. Altman stated she is not sure why we would have that; we now have everyone other than the non-participating entities. Stevens stated the animals considered out of county are animals found in Hamilton County but found by a non Hamilton County resident, which are not reimbursed. Altman asked if that is not treated as a release? Rogers stated the municipality contract reads is if a person lives in Carmel but finds an animal in Atlanta and brings it to the humane society then Carmel will be billed for that animal. It is regardless of where the animal is found, it is where the person bringing the animal in lives. Stevens stated if someone lives in Marion County but works at the Hamilton County Fairgrounds and they pick up an animal at Wal-Mart the humane society does not get reimbursed for that animal because they live in Marion County. Altman asked how many do you get in one year? Stevens stated in 2008 there were 134 animals, which they were not reimbursed for. Holt stated as the umbrella agency we negotiate the annual number with the humane society and the county is reimbursed by the municipalities. We understand every year the number we negotiate regardless; it seems it would be more just and logical to stick with the number we negotiate. It is important for the humane society to count the animals for reimbursement from the municipalities. Altman stated her problem is the most significant drop has been due to the Low Cost Spay Neuter Clinic (LCSNC) which has helped significantly in terms of animal population and we are not really supporting it. Howard stated we are giving them a free building; we are not subsidizing operating costs. Altman stated we are not subsidizing their operating costs or their utilities. Stevens stated they send a great many animals to the LCSNC, they are part of the humane society program. Altman stated they are discounted for spay-neuter so sending them over is helpful for the county but she does not know if it is helpful for their operations given that we are not supplementing a lot of those costs. Holt stated the legislature has not mandated spay/neuter, they have mandated animal control.

Dillinger asked what is the proposal? Holt stated we flip the agreement and go with the number we have already approved. Stevens stated the number is \$476,000 less the underlying units. Dillinger stated the county's liability is \$200,000? Stevens stated that is an estimate, this is a no-brainer considering what it would cost for the county to run an animal control facility; the county would pay four to five times as much and you would kill all of the animals in the building and the negative public relations would be deafening. Howard asked what is the net for the county? Stevens stated around \$200,000, it depends on the number of county strays. Holt stated Altman pointed out that the humane society did not meet the number of animals in 2008 and it looked like it was on target in 2009 to receive \$200,000 and should there be a subtraction from the \$276,000 because the number of animals was not met. These are all of the reasons it is right to delete the animal quotient from the annual contract between the county and humane society, not the municipalities. The humane society will know they have a number that can operate with for the year, most of their costs are fixed. Altman asked what is their fundraising net? Stevens stated in 2008 they were at \$1.2 million. Altman asked what the cash donations, not in-kind. Stevens stated \$495,000. Altman asked if that is consistent with prior years? Stevens stated that was the 2008 number, it is up because their fundraising efforts increase each year. Dillinger asked how would that contract be re-negotiated? Holt stated they will still know the numbers of animals going through the shelter, if success breeds a reduction in overhead on the animal control portion, it can be re-negotiated down. The idea is they know at the beginning of the year how much money they will be receiving verses in October telling them they are getting no more money, that will put them out of business. Howard stated that is a disincentive, the reason their numbers are down is because the spay/neuter program is working; you are punishing them for success. Dillinger stated he does not have a problem with it. Altman stated her only concern is the overhead, particularly the salaries. She does not know of any other supported entity that has compensation in those ranges. Ms. Candace Graham, Treasurer for the Humane Society, stated the Humane Society Board has evaluated what other humane societies are paying their executive directors, with her salary based on the value that Ms. Stevens has brought to the humane society with her primary role being fundraising and public relations. Only a small percentage of her salary is passed on to the county. None of the other manager's salaries are passed on to the county. The only part the county is sharing in is the operations staff. Altman stated the fundraising is only covering the excluded salaries. Graham reported total revenues are \$1.4 million, including donations and fundraising. Altman stated she would rather go to a variable cost per animal with the county paying utilities and those kinds of issues. She would rather flip it that both entities that occupy that building get support by reducing the burden of utilities, maintenance, etc. She feels the LCSNC is providing similar services without the subsidy, we are treating the entities differently. Stevens stated they have added huge value and

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
AUGUST 10, 2009
Commissioners Courtroom
One Hamilton County Square
Noblesville, Indiana

they are working well together, the humane society receives \$10,000 for pre-spay/neuter assistance which is spent, almost 99 percent, at the LCSNC. The majority of spay/neuters the clinic is doing are for out of county pets. Rogers stated the LCSNC does provide a great service to the county; they do not keep animals 24 hours. They get paid up front and they do it in mass quantity. They are receiving grants for helping with cat vaccinations and spay-neuters for the non-participating entities, which have made a big difference.

Holt moved to delete the per animal portion for 2010. Dillinger seconded. Altman stated we don’t have to decide this today; she would like to look at variables. Dillinger and Holt approved. Altman abstained. Motion carried.

Meeting adjourned at 4:27 p.m.

Commissioner Correspondence

- Verizon Notice of Claim
- FSSA Re-designation of Exclusive Geographic Service Area
- A.B.A.T.E. of Indiana Requesting regarding 169th Street and Mill Creek Road
- City of Carmel Notification of Continuation of “Urban County” Joint Agreement
- MECA Notice of Meeting – August 24, 2009 at 1:00 p.m.
- Beam, Longest & Neff Notice of Transmittal
 - Bridge No. 276, East 96th Street over Behner Brook
- IDEM Notice of Sewer Permit Application
 - City of Auburn Water Pollution Control Facility – Fishers
 - District at Saxony – Fishers
 - Springmill Streams Low Pressure Grinder Pump System – Carmel
 - Thorpe Creek Forcemain Extension – Fishers
- IDEM Request for Approval Voidance Confined Feed Operation
 - Stanley Craig – Noblesville
 - Arnold Schulenberg – Cicero
- DNR Certificate of Approval for Construction in a Floodway
 - West Fork White River - Noblesville

Present

- Christine Altman, Commissioner
- Steven C. Dillinger, Commissioner
- Steven A. Holt, Commissioner
- Dawn Coverdale, Auditor
- Fred Swift, Administrative Assistant to Commissioners
- Kim Rauch, Administrative Assistant to Auditor
- Michael Howard, Attorney
- Doug Carter, Sheriff
- Brad Davis, Highway Director
- Brandi Wariner, Highway Public Service Representative
- Dave Lucas, Highway Staff Engineer
- Mark Fisher, Highway Project Engineer
- Christopher Burt, Highway Engineering Technician
- Tim Knapp, Highway Right-of-Way Manager
- Matt Knight, Highway Bridge Program Engineer
- Faraz Khan, Highway Staff Engineer
- Kathy Howard, Highway Department Administrative Manager
- Bob Davis, Highway Superintendent
- John Accutturo, Carmel City Councilman
- Becki Wise-Kent, USI
- Jayson Earleywine, 1319 E. Stop 10 Road, Indianapolis
- Larry Stout, ISSD
- John Barbee, Envoy, Inc.
- Rhonda Klopfenstein, Hoosier Heritage Port Authority
- Steven Fehribach, A & F Engineering
- Eric Strickland, Kite Realty Group
- Sheena Randall, Human Resources Director
- Rebecca Stevens, Humane Society Executive Director
- Candace Graham, Humane Society Treasurer
- Brian Cottrell, Humane Society President
- Tom Rogers, Animal Control Officer
- Dan Papineau, Safety Risk Manager
- Mark McConaghy, Noblesville Housing Authority

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST

Dawn Coverdale, Auditor